

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American sign language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please call: **Building Maintenance Department (714) 536-5534**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

ACTION AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY CITY OF HUNTINGTON BEACH

MONDAY, APRIL 2, 2001

3:30 P.M. - 5:00 P.M. – Room B-8 – Adjourned Regular Meeting

5:00 P.M. – Regular Meeting – Study Session, Room B-8

7:00 P.M. – Council Chambers

Civic Center, 2000 Main Street

Huntington Beach, California 92648

3:30 P.M. – 5:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Adjourned Regular Meeting To Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer

[Present –Julien Houchen, Garofalo arrived at 3:40 p.m., Green absent]

Public Comments – On Closed Session Items Only

[Two speakers re: closed session on Howard Jarvis Taxpayers Assn. requesting City Council not to appeal judge's decision]

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

[Approved 7-0]

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Howard Jarvis Taxpayers Assn. et al., v City of Huntington Beach, et al.**, Orange County Superior Court Case No. 81 87 80. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. This title of the litigation is **In the Matter of AES Huntington Beach Generating Station Retool Project Application for Certification**; Before the California Energy Commission, Docket No. 00-AFC-13. (120.80)

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.ci.huntington-beach.ca.us>

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(2)(B) to confer with its city attorney regarding pending litigation. The facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced. Subject: **PLC Land Company (Parcel 7A)**. (120.80)

Reconvene

[5:10 p.m.]

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer

[Present – Cook, Boardman arrived at 5:11 p.m.]

Public Comments – On Study Session Item or Closed Session Items Only

[None]

(City Council/Redevelopment Agency) Study Session – Huntington Beach International Surf Museum

Presentation to be made by Natalie Kotsch, founder of the Huntington Beach Surf Museum.

(1) Presentation made by Natalie Kotsch

(2) Material distributed by Natalie Kotsch (A folder titled International Surfing Museum, Huntington Beach, Legends, Membership, Collection, Exhibit.) This folder includes several pieces of information material and a CD titled “Huntington Beach International Surfing Museum Rendezvous Ballroom Reunion 2000 with Pulp Fiction Rock Guitar Legend Dick Dale, King of the Surf Guitar.”

(3) Members of H.B. International Surfing Museum Board of Directors introduced.

(4) Presentation made by Robert Frederickson, H.B. International Surfing Museum Chairman. Announcement made of the walk-through mobile museum.

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

[Approved 7-0]

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; William Osness, Personnel Director; and Daniel Cassidy, Esquire of Liebert,

Cassidy, and Frierson regarding **labor relations matters – meet and confer** with the following employee organization: HBPOA. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Edward Resek v. City of Huntington Beach, et al.**; USDC Case No. CV 99-09909. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.8 to give instructions to the city's negotiators, Matt Lamb and Ron Hagan, regarding negotiations with **Jack Clapp** concerning the purchase/lease of **Dwight's Beach Concession** located on the east side of the Huntington Beach Pier, on the south side of the Pacific Coast Highway, and north of the sand line from the Pacific Ocean. Instructions will concern Price and Terms of Payment. (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present]

Flag Ceremony and Pledge of Allegiance – Daisy Troop #96, Saints Simon and Jude Church, Huntington Beach. Leader Janet Froning.

Invocation – Father Christian, Saints Simon and Jude Church, Huntington Beach.

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office on the morning after the Council meeting.

[City Clerk announced Late Communications on Items: C-3; D-1; E-15; F-2; F-3; closed session item – Howard Jarvis vs. City; and 5:00 p.m. study session item]

[Mayor Julien Houchen, City Attorney Hutton and City Administrator Silver clarified that the city received a misdemeanor not a felony as had been reported. The City Administrator announced that sewers have been tested and are fixed. City Administrator stated that the results confirm that downtown sewer problem was not part of ocean water pollution and that city bought cameras to investigate 100 year old pipes and had been working on problem.]

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

- (1) Speaker opposed to provisions of Item E-10. Also opposed to funding mechanisms of Item F-2.***
- (2) Speaker requesting Council not appeal the judge's decision re: Howard Jarvis vs. City.***
- (3) Speaker opposing claim form issued by City for tax refund. He recommended obtaining form by calling 840-4015 H.B. Taxpayers phone number.***
- (4) Speaker alleging unhealthy conditions at Marine View Middle School classroom in portable classrooms and requested Council to ask Ocean View School District what they are doing to remedy.***
- (5) Speaker stating that City did not have to spend its money for sewer repair and questioned why two wells were closed. Requested independent appraisals of downtown sewers.***

[Public Works Department Director Beardsley reported. Councilmember Green clarified for the speaker where the funds for sewer repair derived.]

- (6) Speaker opposing the inaccurate news coverage of the sewer issue.***
- (7) Speaker opposed to building Springdale Reservoir and Agenda Item E-10.***
- (8) Speaker commending Public Works Dept. employee for his service in getting new florescent sign at school crossing on Heil Avenue.***

- (9) Speaker opposing parking ticket received on street sweeping day when he parked in alley; opposed ocean pollution which he stated made him ill and the city had not warned of.***
- (10) Speaker stated pollution is not coming from sewers; opposed Ground Water Reclamation Program.***

[Councilmember Green reported on the O.C. Sanitation District's funding of ocean contamination and the experts who will study issue. Councilmember Bauer corrected speaker's statements re: chemistry of ocean pollution.]

- (11) Speaker stating sewer issue still of importance even though a misdemeanor.***
- (12) OVSD Board member presented update on school gymnasium project.***
- (13) Speaker urging Council not to appeal judge's decision on tax issue.***
- (14) Speaker opposing City tax refund claim form.***

[Councilmember Green clarified that the County posts the beach closure postings not the City as the County has the required licensed laboratories.]

C-1. Council Committee/Council Liaison Reports

[Councilmember Bauer reported award received by Police Chief Lowenberg from the Orange County Human Relations Commission for work on the Special Committee on Hate Crimes and for writing protocol on domestic strife.]

C-2. City Administrator's Report

[None]

C-3. (City Council) Review and Accept City Treasurer's January 2001 Investment Summary Report (310.20)

Communication from the City Treasurer transmitting the Monthly Investment Report for January 2001.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio* for January 2001, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

[City Treasurer presented PowerPoint slide report]

[Approved 7-0]

[H-1a. Mayor announced item to be discussed at this time]

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Approval of Zoning Text Amendment No. 01-01 – Single Room Occupancy (SRO) – Approve Introduction of Ordinance No. 3494 Amending Chapters 230 and 231 of the Zoning and Subdivision Ordinance Relating to SRO and Off Street Parking (420.40)

Public hearing to consider the following:

Applicant: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648.

Request: To review and adopt an amendment to Section 230.46 Single Room Occupancy Ordinance of the Huntington Beach Zoning And Subdivision Ordinance (ZSO), and Section 231.04 Off-Street Parking of the ZSO.

Location: Commercial General, Commercial Visitor and Industrial Zones.

Environmental Status: Notice is hereby given that this item is categorically exempt pursuant to Class 20, City Council Resolution No. 4501, which supplements the California Environmental Quality Act.

On file: A copy to the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office after Friday, March 30, 2001.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Follow public input, close public hearing

(Continued on Next Page)

Recommended Action:**Planning Commission and Staff Recommendation:** Motion to:

Approve Zoning Text Amendment No. 01-01 with findings for approval (ATTACHMENT NO. 3) and after City Clerk reads by title, approve introduction of **Ordinance No. 3494** – “An Ordinance of the City Council of the City of Huntington Beach Amending Chapters 230 and 231 of the Zoning and Subdivision Ordinance Relating to Single Room Occupancy and Off Street Parking.” (ATTACHMENT NO. 1)

[Planning Director presented PowerPoint slide report announced by City Clerk as a Late Communication]

[Approved - Minimum unit size – 250 sq. ft. – allow 25% of the units to be for 2 persons – Minimum unit size – 400 sq. ft. – (7-0)]

ADMINISTRATIVE PUBLIC HEARING – D-2 is an Administrative Public Hearing.

An administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at an administrative hearing. All other interested parties may speak during regular Public Comment section of agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

D-2. (City Council) Administrative Hearing – Adopt Resolution No. 2001-11 – Approving Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Communication from the City Treasurer and the City Attorney.

Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

1. Staff report
2. City Council discussion
3. Open hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

Adopt **Resolution No. 2001-11** – “A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.”

[Adopted 7-0]

[City Attorney presented oral report]

[Direction to staff to identify types of households in relation to health & safety issues]

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. **(City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency **special** meetings of March 5, 2001, the City Council/Redevelopment Agency regular meetings of March 5, 2001, and the City Council/Redevelopment Agency regular adjourned meetings of March 16, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
[Approved 6-0-1 (Garofalo out of room)]
- E-2. **(City Council) Approve Affordable Rental Housing Agreement Containing Covenants Between the City and Bridges America Sher, L.P. for 33 Apartment Units at 16122 Sher Lane/16161 Parkside Lane** (600.10) – Approve the *Agreement Containing Covenants Affecting Real Property* by and between the City of Huntington Beach and the Bridges America Sher, L.P. and authorize the Mayor and City Clerk to sign and execute (ATTACHMENT NO. 1). Submitted by the Planning Director. Funding Source: Not Applicable.
[Approved 5-0-2 (Garofalo, Green out of room)]
- E-3. **(City Council) Approve Memorandum of Understanding (MOU) between the City and the Orange County Workforce Investment Board to Support and Manage the City's Community Job Center at 18131 Gothard Street** (600.25) – Approve and authorize the Mayor and City Clerk to execute the attached *Memorandum of Understanding between the County of Orange, Working Through the Orange County Workforce Investment Board and the City of Huntington Beach for the Development and Operation of a Workforce Service Delivery System* for the support and management of the City's Community Job Center. Submitted by the Chief of Police and the Economic Development Director. Funding Source: No Additional City Funds Required.
[Approved 6-0-1 (Garofalo out of room)]
- E-4. **(City Council) Adopt Resolution No. 2001-10 to Terminate Local Emergency Relating to Energy Crisis** (510.20) – Adopt **Resolution No. 2001-10** – “A Resolution of the City Council of the Huntington Beach Declaring the Termination of the Local Emergency Previously Declared on January 22, 2001, in the City of Huntington Beach.” Submitted by the City Attorney. Funding Source: Not Applicable.
[Adopted 6-0-1 (Garofalo out of room)]

- E-5. (City Council) Approve Professional Services Contract between the City and Diane Gladwell, Records Consultant, to Assist Staff in Developing a Citywide Records Management and Records Retention Program – Approve Settlement Committee’s Recommendations for a Waiver of Insurance Requirements** (600.10) –
 1. Approve the *Professional Services Contract between the City of Huntington Beach and Diane Gladwell for Development of a Citywide Records Management and Records Retention Program* and authorize the Mayor and City Clerk to execute same; and
 2. Approve a waiver of all insurance requirements as recommended by the Settlement Committee. Submitted by the Assistant City Administrator. Funding Source: Non-Departmental Account - \$46,850.
[Approved 6-0-1 (Garofalo out of room)]
- E-6. (City Council) Approve Amendment No. 3 to the Professional Services Contract with Psomas & Associates for Interim Water Operations Manager Services (Dennis MacLain, P.E.)** (600.10) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 3 to Agreement between the City of Huntington Beach and Psomas & Associates, Inc., to Provide Interim Water Operations Manager Services.* Submitted by the Public Works Director. Funding Source: Water Operating Fund, Water Administration contract services account - \$143,500.
[Approved 5-0-2 (Garofalo, Green out of room)]
- E-7. (City Council) Approve New Agreement between the City and the Sunset Beach Sanitary District (SBSD) for the City’s Continuing Services in the Conveyance of SBSB Wastewater (Sewage Discharge)** (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Agreement for the Conveyance of Wastewater between the City of Huntington Beach and Sunset Beach Sanitary District.* Submitted by the Public Works Director. Funding Source: No funding is required. Recovery of costs for service is anticipated.
[Approved 5-0-2 (Garofalo, Green out of room)]
- E-8. (Redevelopment Agency) Adopt Updated Redevelopment Agency Resolution No. 318 to Reflect Changes in the Current Organizational Structure of Appointed Officers** (125.30) – Adopt Agency **Resolution No. 318** – “A Resolution of the Redevelopment Agency of the City of Huntington Beach Fixing the Time and Place of Regular Meetings, Appointing Officers, Providing for Use of Services and Facilities of City Departments, and Providing for the Execution of Contracts, Deeds, and other Documents.” Submitted by the Economic Development Director. Funding Source: Not Applicable.
 (1. Reflects the Mayor Pro Tem as the Vice Chair of the Agency; 2. Designates the Assistant City Administrator as the Assistant Executive Director; 3. Eliminates the Planning Director as the Redevelopment Director; 4. Designates the Director of Economic Development as the Deputy Executive Director; and 5. Reflects the Administrative Services Department in lieu of the Finance Department. The section re: execution of documents is modified to incorporate specific signature authority. The language re: the Agency Treasurer has been updated to reflect current investment practice.)
[Approved 6-0-1 (Garofalo out of room)]

- E-9. (City Council) Pursuant to State Government Code – Approve Announcement of Public Hearing to be Held May 7, 2001 on Community Services Department Fee Schedule Amendments for 2002** (340.20) – Approve the following announcement of the plan to amend the city fee resolution by amending the 2002 fees for the Community Services Department. Submitted by the Community Services Director. Funding Source: Not Applicable. (Notice is hereby given that a public hearing will be held by the City Council of the City of Huntington Beach, in the Council Chambers of the Civic Center, Huntington Beach, at the hour of 7:00 PM, or as soon thereafter as possible on **Monday, the 7th of May, 2001**, for the purpose of amending the city fee resolution by amending the 2002 fees for the Community Services Department, specifically, instituting new fees for use of the new portions of the City Gym & Pool; removing fees for use of tables/chairs at the Art Center; instituting new fees for art center membership; increasing the fee for aquatics classes, special activities, day camps, senior softball; youth sports, field practice lights, junior lifeguard program; senior parking Plaza lot; and adding a new fee for a combination beach and Main Promenade Parking Structure parking pass. In addition, the fees for beach and Main Promenade Parking Structure parking passes are being reduced.)
[Approved 6-0-1 (Garofalo out of room)]
- E-10. (City Council) Approve City Administrator Employment Agreement for Ray Silver** (600.10) – Approve the *Agreement for Personal Services – City Administrator Ramon R. Silver* and authorize the Mayor and City Clerk to execute. Submitted by the Administrative Services Director. Funding Source: There are adequate funds in the approved budget. The additional cost for the adjustment in the Employment Agreement is \$9,239.
[Approved 5-0-2 (Garofalo, Green out of room)]
- E-11. (Redevelopment Agency) Approve Change of Ownership of Redondo-Kovacs Industrial Property to Kojo Seaciff, LLC – Approve Agreement and Transfer of Grant Deed between the Redevelopment Agency and Kojo Seaciff, LLC (Approves Transfer of 18100 Kovacs Lane from Cabot Industrial Properties to Kojo-Seaciff, LLC Pursuant to Disposition Development Agreement)** (600.30) – Approve and authorize the Chairman and Agency Clerk to execute the attached agreement between the Redevelopment Agency and Kojo Seaciff, LLC, a Nevada Limited Liability Company (buyer) approving it's purchase of the property at 18100 Kovacs, and transferring the requirements of the Grant Deed to the new owner – *An Agreement between the Redevelopment Agency of the City of Huntington Beach Approving the Transfer of that Property Known as 18100 Kovacs Lane, Huntington Beach from Cabot Industrial Properties, L.P., a Delaware Limited Partnership to Kojo Seaciff LLC, a Nevada Limited Liability Company* – and authorize the City Clerk to record same. Submitted by the Deputy Executive Director. Funding Source: None Required.
[Approved 6-0-1 (Garofalo out of room)]

- E-12. **(City Council) Approve Agreement with Accountants, Inc. for Temporary Payroll Backfill Personnel During Testing and Implementation of the JDEdwards System & Kronos Payroll Software** (600.10) – Approve and authorize execution by the Mayor and City Clerk of the *Agreement to Provide Backup Payroll and Accounting Services between the City of Huntington Beach and Accountants, Inc.* Submitted by the Administrative Services Director. Funding Source: Human Resources Professional Services Account, Finance Division Professional Services Account, Business Software System Professional Services Account in an amount not to exceed \$50,000.
[Approved 6-0-1 (Garofalo out of room)]
- E-13. **(City Council) Authorize the Award of Contract to Valley Crest Landscape, Inc. for the Construction of South Beach Phase I; CC-1106 and Reject Low Bid Submitted by Ecology Construction, Inc./Reject Southwest Engineering, Inc. Bid Protest – Approve Professional Services Contract with Firefly Studios, LLC for Commission of Artwork** (600.10) – 1. Uphold the bid protest of both Valley Crest and Southwest Engineering as to Ecology Construction's bid for the construction of the South Beach Phase I project; and 2. Reject the low bid submitted by Ecology Construction, Inc. and determine that the bid is non-responsive; and 3. Reject Southwest Engineering's bid protest as to Valley Crest's bid; and 4. Accept the second lowest bid submitted by Valley Crest, and waive, as minor irregularities, Valley Crest's failure to sign pages C-6 and C-8 of the Bidder's Proposal; and 5. Approve and authorize the Mayor and the City Clerk to execute the construction contract between the city and Valley Crest in the amount of \$5,099,580 for the construction of South Beach Phase I; and 6. Approve and authorize the Mayor and City Clerk to execute the Professional Services Contract between the city and Firefly Studios, LLC, for Commission of Artwork – *Professional Services Contract between the City of Huntington Beach and Firefly Studios, LLC for Commission of Artwork*; and 7. Authorize the Director of Public Works to expend a total of \$6,800,000 from Acct. #30187003.82200, which includes the contract cost of \$5,099,580, estimated contingency of \$765,000 (15%), construction management fees of \$447,623, art element construction cost of \$254,500, construction administrative services of \$64,000, and \$168,397 in undesignated supplemental expenditures. Submitted by the Public Works Director. Funding Source: American Trader Oil Spill Recovery Funds \$3,800,000, City of Huntington Beach COPs \$2,500,000, Federal TEA Grant \$500,000, Total Project Funding \$6,800,000.
[Approved 6-0-1 (Garofalo out of room)]
- E-14. **(City Council) Approve Professional Services Contract with Purkiss Rose, RSI for Landscape Architectural Services for South Beach Phase II Project – Approve Use of Revenue Bonds/Pier Funds** (600.10) – 1. Approve the Professional Services Contract between the City of Huntington Beach and Purkiss Rose, RSI for Landscape Architectural Services for the South Beach Phase II Project, and authorize the Mayor and City Clerk to execute same; and 2. Approve the utilization of \$800,000, as identified in the June 19, 2000 issuance of Revenue Bonds, and \$177,200 from the Pier Fund to pay for the base contract of the consultant, Purkiss Rose, RSI of \$849,200, plus ten percent for contingencies of \$85,000, and five percent for \$43,000 for supplementals for a total allocation not to exceed \$977,200 in Acct. #30187004. Submitted by the Community Services Director.
[Approved 5-0-2 (Garofalo, Green out of room)]

- E-15. **(City Council) Approve Two Budget Plus Software Agreements between the City and the AMX International, Inc. for (1) Licensing and (2) Maintenance of the J.D. Edwards Enterprise Resource Planning System** (600.10) – 1. Approve and authorize the Mayor and City Clerk to execute the *AMX International Budget Plus Software License Agreement* for an amount not to exceed \$21,500. ***and further approve limited liability and indemnification obligations and waiver of professional liability insurance (per Late Communication received from the City Attorney's Office)*** ; and 2. Approve and authorize the Mayor and City Clerk to execute the *AMX International Budget Plus Software Maintenance Agreement* for an amount not to exceed \$3,870. Submitted by the Fire Chief/Information Systems Director. Funding Source: Capital Software Account to purchase budgeting software, maintenance, installation, and training at a cost not to exceed \$35,000. No additional funding is required. On October 18, 1999, the City Council appropriated \$4,555,101 for Phase I of the J.D. Edwards Business System implementation, including supporting contracts and agreements. Additionally, the Fiscal Year 2000/2001 budget includes \$1,211,323 in carryover funds from Phase I for funding additional software products such as AMX International, Inc. Budget Plus. Phase II funding of \$1,459,630 is also included in the Fiscal Year 2000/2001 budget. ***[Approved as amended 6-0-1 (Cook out of room)]***

F. Administrative Items**F-1. (City Council) Approve Amendment No. 2 to the Agreement between the City and Kennedy/Jenks Consultants, Inc. to Update the Master Plan of Sewers and Prepare and Inflow/Infiltration Study (600.10)**

Communication from the Public Works Director requesting Council approval of Amendment No. 2 to the Contract with Kennedy/Jenks Consultants, Inc. to update the Master Plan of Sewers and prepare an Inflow/Infiltration Study.

Recommended Action: Motion to:

1. Approve and authorize the Mayor and the City Clerk to execute *Amendment No. 2 to Agreement between the City of Huntington Beach and Kennedy/Jenks Consultants, Inc. for a Master Plan of Sewers* for updating the Sewer Master Plan and preparation of an Inflow/Infiltration Study in the amount of \$285,000.

[Approved 7-0]

and

2. Authorize the Director of Public Works to expend a total of \$327,000, which includes the Amendment No. 2 fee of \$285,000, estimated contingency of \$28,000 and \$14,000 in supplemental expenditures.

[Approved 7-0]

[Public Works Director presented PowerPoint presentation and made announcement in reference to media coverage of the issue]

F-2. (City Council) Adopt Resolution No. 2001-12 – Approving and Adopting Certain Report – Water Master Plan City of Huntington Beach, December 2000 – Approve Introduction of Ordinance No. 3496 – Water Rates & Fees – Adopt Resolution No. 2001-13 – Identifies Specific Water Projects – Including Use of Water Surcharge Funding for Springdale Reservoir Project (1000.20)

Communication from the Director of Public Works transmitting a resolution to adopt the *December 2000 Water Master Plan* and an ordinance to provide that Capital Facilities Charge monies and Capital Surcharge monies shall be used for water projects which are consistent with goals and objectives of the December 2000 Water Master Plan but which projects are specifically identified in a resolution, and any amendment to same, adopted by the City Council.

Also transmitted is a resolution for adoption, which identifies the specific water projects from the December 2000 Water Master Plan upon which Capital Facilities Charge monies and Capital Surcharge monies can be spent.

A proposal to authorize the use of water surcharge funding for the Springdale Reservoir project as it is within the goals and objectives of the Master Plan is also transmitted.

Recommended Action: Motion to:

1. Adopt **Resolution No. 2001-12**, adopting the December 2000 Water Master Plan – *“A Resolution of the City Council of the City of Huntington Beach Approving and Adopting that Certain Report Entitled ‘Water Master Plan’, City of Huntington Beach, December 2000.”*

[Adopted 7-0]

and

2. Approve following a reading by title, introduction of **Ordinance No. 3496**, which would amend HBMC Sections 14.12.010(d) and 14.12.040, in order to provide that Capital Facilities Charge monies and Capital Surcharge monies shall be used for water projects which are consistent with goals and objectives of the December 2000 Water Master Plan but which projects are specifically identified in a resolution, and any amendment to same, adopted by the City Council – *“An Ordinance of the City of Huntington Beach Amending Chapter 14.12 of the Huntington Beach Municipal Code by Amending Sections 14.12.010 and 14.12.040 Pertaining to Water Fees and Rates.”*

[Approved Introduction 7-0]

and

3. Adopt **Resolution No. 2001-13** – *“A Resolution of the City Council of the City of Huntington Beach Identifying the Specific Water Projects from the Approved December 2000 Water Master Plan on which Capital Facilities Charge Monies and Capital Surcharge Monies can be Expended.”*

[Adopted 7-0]

and

4. Authorize the use of water surcharge funding for the Springdale Reservoir project as it is within the goals and objectives of the Master Plan.

[Approved 7-0]

F-3. (City Council) Approve Additional Funding for Expanding the Scope of Work for Renovation of City Hall First Floor to Include Asbestos Removal (320.45)

Communication received from the Fire Chief and the Public Works Director requesting Council approval of additional funds for expanding the scope of work for the renovation of the first floor of City Hall to include the removal of asbestos.

Recommended Action: Motion to:

Approve an appropriation of \$990,000 from the City's Unappropriated General Fund balance to the City Hall Rehabilitation Account No. 30187511.82200 to cover the cost of removing asbestos from the first floor of City Hall.

[Approved 7-0]

[City Administrator presented oral report and waived PowerPoint presentation due to lateness of the hour]

G. Ordinances**G-1. Ordinance for Adoption**

- G-1a. (City Council) Adopt Ordinance No. 3493 Modifying Chapter 5.50 Pertaining to Regulation of Mobile Vendors and Repealing Chapter 8.08 Relating to Food Vending Vehicles** (640.10) – **Ordinance No. 3493** – *“An Ordinance of the City of Huntington Beach Amending Chapter 5.50 of the Huntington Beach Municipal Code Relating to Mobile Vending and Deleting Chapter 8.08 Relating to Food Vending Vehicles in its Entirety.”* (Introduction approved on March 19, 2001.)
Recommended Action: After City Clerk reads by title, adopt Ordinance No. 3493, by roll call vote.

[Adopted 7-0]

G-2. Ordinances for Introduction

- G-2a. (City Council) Approve Introduction of Ordinance No. 3495 Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits on Various City Streets** (640.10) – **Ordinance No. 3495** – *“An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits.”*
Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3495** by roll call vote.
(As listed on the staff report; the recommended changes include decreased speed limits on 2 city streets; increased speed limits on 7 city streets; and reaffirmed/established speed limits on 10 city streets.)

[Approved Introduction 7-0]

H. City Council/Redevelopment Agency Item

H-1. Submitted by Mayor Pro Tem Debbie Cook

(City Council) Approve Recommendations Presented by Mayor Pro Tem Debbie Cook Re: City's Process for Accepting Property Tax Refund Claim Forms Relative to the Howard Jarvis Taxpayers Litigation Case (Proposition 13) (.)

Communication received from Mayor Pro Tem Debbie Cook transmitting the following **Statement of Issue:** Following the preliminary ruling by the Superior Court in the Howard Jarvis lawsuit, the City Attorney's Office, on its own initiative, prepared a form that has been made available through the City Clerk's Office for the purpose of filing for property tax refunds. The Huntington Beach Taxpayers Association (HBTPA) has requested that an alternative form be provided which has been prepared by the Plaintiff in this case. HBTPA's concern is that the city form discourages individuals from filing for refunds and creates, in essence, make-shift work for residents.

A number of additional issues have been raised by other residents with regard to the process for filing claims:

1. As of this writing, a Final Judgment has not been entered by the court. It is unclear how far back residents may be permitted to seek refunds.
2. There will be a cost associated with processing claim forms. It would be imprudent to create such a confused process that residents are forced to file multiple forms, overburdening any system that is established.
3. Who will actually be processing forms and do we need to consult with possible outside agencies to see what requirements they may have.
4. What are the tax implications for property owners and should that information be ascertained so as to better educate the public regarding their responsibilities.

There are certainly more issues that will come from a discussion of this very complex matter. If this is not handled appropriately it will be yet another public relations fiasco.

Recommended Action: Motion to:

~~Discontinue the distribution of the form prepared by the City Attorney's office and Direct staff to evaluate the city's financial exposure, consult with appropriate outside entities, and establish a process for the orderly filing of claim forms~~ ***and direct the City Attorney to investigate special legislation to hold in Abeyance S. 5907 of the Revenue & Taxation Code.***

[Approved as amended 7-0]

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

[Garofalo requested meeting with landowners of shopping center at Brookhurst & Adams re: condition of property.]

[Dettloff stated that the Department of Public Works staff had been complimented by an engineering firm in San Francisco at a meeting.]

Council/Agency Adjournment to Monday, April 16, 2001, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas And Minutes Are Available At No Charge To The Public At The City Clerk's Office By Mail And Through Paid Subscription. Complete Agenda Packets Are Available At The Central Library and Library Annexes On Friday Prior To Meetings. Video Tapes Of Council Meetings Are Available For Checkout At The Central Library At No Charge.

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